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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,739	01/16/2001	Selim Shlomo Rakib	TER-002.3P D6	8444

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FALK, VESTAL & FISH
16590 OAK VIEW CIRCLE
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EXAMINER

CANGIALOSI, SALVATORE A

ART UNIT	PAPER NUMBER
2661	7

DATE MAILED: 08/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/764,739

Applicant(s)

RAKIB ET AL.

Examiner

Salvatore Cangialosi

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 84-96 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 84-96 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

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Pending claims 1-13 have been renumbered 84-96 since the preliminary amendment canceled claims 1-83.

1. Claims 84-96 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 84 recite "any type ranging circuitry" "which will cause" recite unsupported limitations which depend on the performance of future acts which are not positive limitations(See In Re Collier 1578 USPQ 266). Claim 85 also recites limitations in terms of intended results rather than positive structural limitations. Claim 87 also recites limitations(good(relative term) correlation ...such that) in terms of intended results rather than positive structural limitations. Claim 88 also recites limitations(can be found) in terms of intended results rather than positive structural limitations. Claim 90 also recites limitations(any modulation... of any design.... can use) in terms of intended results rather than positive structural limitations. Claim 93 also recites limitations(will cause ...to transmit anything) in terms of intended results rather than positive structural limitations. Claim 95 also recites limitations(can be detected... in any way) in terms of intended results rather than positive structural limitations. Claim 96 also recites limitations(capable of receiving all the carrier waves) in terms of intended results rather than positive structural limitations.

The claims are ambiguous at best and unsupported at worst since it is not clear that the "any" limitations are not supported by the disclosure. The applicant is requested to clarify this confusion.

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2. The following is a quotation of 35 U.S.C. . 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

3. Claims 84 are rejected under 35 U.S.C. . 103 as being unpatentable over Bustamante.

Regarding claim 84, Bustamante (Figs 10-12, Col. 3, lines 25-30, Col. 13, lines 30-35) discloses a means for remote unit multiplexing including ranging for a master base station substantially as claimed. The differences between the above and the claimed invention is the explicit recitation of master clock . It is noted that the master base station must include a clock. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Bustamante because the substitution of equivalents. Regarding frame synchronization limitations of claim 85, Bustamante show system synchronization which is the equivalent of the claimed limitations. Regarding frequency limitations of claim 90, Bustamante show frequency non- interference bands(Col. 7, lines 15-30) which is the equivalent of the claimed limitations. Regarding claim 90, Bustamante (Figs 10-12, Col. 3, lines 25-30, Col. 13, lines 30-35) discloses a means for remote unit multiplexing including ranging for a master base station substantially as claimed. The differences between the above and the claimed invention is the explicit recitation of master clock . It is noted that the master base station must include a clock. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Bustamante because

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the substitution of equivalents. Regarding master clock limitations of claim 91, Bustamante show system master base station which is the equivalent of the claimed limitations. Applicant is requested to explain which of the many cited references by applicant are relevant to the claimed invention.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salvatore Cangialosi whose telephone number is (703) 305-1837. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms, can be reached at (703) 305-4703.

Any response to this action should be mailed to:


Commissioner of Patent and Trademarks
Washington, D.C. 20231

or faxed to (703)872-9314 (for Technology Center 2600 only)

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, Virginia, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

sac
August 3, 2004


SALVATORE CANGIALOSI
PRIMARY EXAMINER
ART UNIT 222